REMARKS

Claims 2, 3, 6, 9, 12, 14 through 17 and 19 through 23 are in the application and are presented for consideration. By this amendment, applicant has canceled claims 4, 5, 8, 10 and 11. Some claims that had depended on claim 8 are now amended to depend on claim 12.

Claims 5, 6, 8, 9, 11, 12, 15, 17 and 20 have been rejected as being obvious based on the teachings of Salmon et al. (U.S. 6,673,007) in view of Beatenbough (U.S. 5,778,689) and further in view of CA2079947 (CA '947). The rejection is based on the position that Salmon et al. discloses sending measured values to a control unit and regulating a temperature above a dew point. However, it is noted in the rejection that Salmon et al. does not send or form measured values of the dew point temperature at a control unit and does not suggest regulating the temperature to above the dew point. The rejection then relies on Beatenbough for disclosing controlling an electrical power applied to heater wires based on a calculated dew point temperature. However, these wires are not in a transparent glass or plastic structure and do not directly heat the window of the refrigerator door. In the Beatenbough reference the heating of the wires in turn heats a metal frame with this heating affecting the supported freezer doors 10, that are made of glass. CA '947 is cited for showing traversing of a transparent hood with electrical heating wires for distributing heating through an interior space. The references together fail to teach and fail to suggest several aspects of the invention as specified in the claims as now presented. This is discussed further below.

Claims 3, 4, 10, 14, 16, and 21 - 23 have been rejected as being obvious based on the teachings of Salmon et al. (U.S. 6,673,007) in view of Beatenbough (U.S. 5,778,689) and

CA2079947 (CA '947) and further in view of DE3717574 (DE'574). This rejection is based on some of the concepts noted above with regard to the rejection of claim 8 but makes reference to DE'574 with regard to the claims use and provision of temperature – dependent resistors

electrically connected to the heating wires.

An aspect of the invention is the provision of heating wires arranged in a position of an incubator hood (traversing the hood – claim 12 and 22) where the temperature of the incubator hood has an influence on the resistance of the temperature dependent electric resistors and the heat wires heat the incubator hood itself. This combination of features is coupled with a control system wherein this is operated to form a dew point temperature value with this used to heat the hood via the wires (the hood itself is heated, namely the structure affected by the free condensation) where the heating of the hood is regulated based on humidity values of the air within the incubator. This combination of features presents particular advantages for an infant heater including the actual heating of the hood element itself based on sensed temperature and humidity such that fog will not form on the incubator transparent surfaces based on a direct heating of these surfaces. These control features are provided (based on the air dew point) in combination with a threshold control which will not allow the these elements to be heated beyond a particular level set by the temperature dependent electric resistors. This presents several advantages such as:

1) The anti fogging heating feature heats the element which is to be maintained fog free or free of condensation. This regulated temperature may be different from the temperature to

which the interior space of the incubator is regulated. Also, this is a direct heating, namely a heating of the incubator hood structure.

2) It is the air temperature and humidity which is being sensed in order to regulate the heating of the element which is to be maintained fog free or free of condensation (incubator hood structure). This involves the ability to separately regulate the temperature of the air and also regulate the humidity of the air within the incubator while maintaining incubator hood structure free of condensation. This process uses a real or current temperature and humidity of the air within the incubator to regulate the temperature of the hood element.

3) The use of the temperature dependent resistors provides an additional control which is independent of the control signal which otherwise operates to regulate the temperature of the incubator hood structure. This additional threshold control avoids a heating of the hood beyond acceptable temperatures. This allows for a simple system that avoids problems of the independent air temperature, humidity and their affect on the hood. This claimed process still allows the humidity and air temperature within the incubator to be regulated without limitations as to the setting of the incubator humidity and temperature. The defogging hood temperature regulation is set by the actual measurements (that may differ form the settings for air and humidity (based on hood opening) and still cannot be set beyond the threshold set by the temperature – dependent resistors electrically connected to the heating wires. The invention provides a simple system for preventing problems while allowing such independent regulation of the heating and the humidifier of the incubator space and simultaneously regulating the temperature of the lead to prevent condensation, namely to prevent the transparent windows

from fogging over.

The references fail to teach the crux of applicant's invention and fail to teach processes with the features 1 through 3 that are noted above.

The combined teachings of the references do not suggest the process as claimed. Salmon et al. discloses using heating elements to heat the environment of the incubator 100. Although one of the heating elements is an upper radiant heating element 202 and this is integrated in the underside of the cover, this is not a structure for independently heating the cover but instead is part of the concept of heating the environment of the incubator. It is noted for example at column 3 lines 60 and 61 that the radiant element 202 on the cover 120 heats the baby when the cover is in position. This is radiant heat directed at the baby. As such, the reference directs the person of ordinary skill in the art to controlling the heat and humidity of the environment where there is no separate control between the heat and humidity of the environment and the defogging heating of the panel, as per the invention. Of course there is no suggestion of a further or additional control which does not allow the hood to be heated beyond the threshold. The secondary reference Beatenbough and CA'947 do not add anything further with regard to the lack of teachings of Solomon. One reference discloses wires on a hood, again for radiant heating and the other reference discloses indirect heating of glass doors. These references again fail to teach the concept of a controlled heated and humidified space with a defogging heater on the hood responsive to the sensed temperature and humidity.

DE'574 clearly directs the person of ordinary skill in the art to providing PTC resistors for the purpose of avoiding a control system. This is actually directing the person of ordinary skill in the art away from the invention. The invention provides the PTC resistor as a threshold control which is in addition to a separate control system which is responsive to the actual temperature and humidity of the incubator space. With the primary teaching of DE'574 being toward the advantages of no controls or thermostats, the references as a whole fail to suggest the crux of Applicant's invention. The references do no teach independently heating and humidifying an incubator space and a control of a defogging feature based on the sensed heat and humidity (Solomon does not represent this and neither do the other references). With DE'574 directing the person of ordinary skill in the art toward the avoidance of controls and thermostats, the references clearly do not suggest using the PTC resistor control as a threshold control in combination with a real time temperature/humidity measurement control for defogging.

Accordingly, Applicant respectfully requests that the Examiner reconsider the rejection in view of the above discussion based on the claims now presented.

Applicant attaches a UK Search Report along with a copy of a UK Patent which has issued. Although there are several references cited which are not already of record in this case, it is noted that these are not believed to be particularly pertinent and indeed the UK Patent has issued in view of these. Applicant attaches a copy of the UK Patent in support of the position that the references are at best cumulative as the claims of the UK Patent have been granted in view of these references.

Favorable action on the merits is requested.

Respectfully submitted
For Applicant,

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Attached: PTO-1449 Form
UK Office Action of March 19, 2004
copy of Search Report
copy of UK Patent Issued on Corresponding Application

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

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